

1 THE HONORABLE RICHARD A. JONES  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON

9 STEVE TEIXEIRA,  
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12 Plaintiff,  
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14 v.  
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16 MOZILLA CORPORATION a.k.a. M.F.  
17 Technologies, a California corporation;  
18 MOZILLA FOUNDATION, a California  
19 public benefit corporation; LAURA  
20 CHAMBERS and her marital community;  
21 WINIFRED MITCHELL BAKER and her  
22 marital community, and DANI CHEHAK and  
23 her marital community,  
24

Defendants.

Case No.: 2:24-CV-01032-RAJ

JOINT STATUS REPORT AND  
DISCOVERY PLAN

16 Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26, counsel for Plaintiff Steve Teixeira  
17 (“Plaintiff”) and Defendants Mozilla Corporation, Mozilla Foundation, Laura Chambers, Winifred  
18 Mitchell Chambers, and Dani Chehak (“Defendants”) jointly submit this combined Joint Status  
19 Report and Discovery Plan (hereinafter “Report”), for review by the Court. This Report is  
20 submitted pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and the Court’s July 18,  
21 2024 Order Regarding FRCP 26(f), Initial Disclosures, and Joint Status Report (“Order”) (Dkt.  
22 #9).  
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## 1                   **I. INTRODUCTORY STATEMENT**

2                   The parties, through counsel, discussed the topics required by the Order, Rule 26, and the  
3 Local Rules, by telephone on August 1, 2024 and August 8, 2024. The parties and counsel are  
4 cooperating, and will continue to do so, in the interest of efficiency and avoidance of unnecessary  
5 disputes with regard to discovery, this case management plan, and settlement procedures in this  
6 case. Thus, the parties jointly request that the Court approve the plans and proposals contained in  
7 this Report as a reasonable and expeditious means of conducting the early stages of this action.  
8 The parties will meet and confer and attempt to resolve matters prior to raising disagreements with  
9 the Court. The parties have not identified any matters requiring resolution by the Court at this time.

## 10                   **II. JOINT STATUS REPORT & DISCOVERY PLAN**

### 11                   **1. Statement of the Nature and Complexity of the Case**

12                   Without any party making an admission, and without waiver of any claims, rights,  
13 defenses, or arguments, the parties state that the general nature of the case is as follows:

14                   This is an employment dispute. Steve Teixeira alleges his employer, Mozilla Corporation,  
15 treated him unlawfully after he was diagnosed with cancer and took protected leave for treatment  
16 of his condition. Mr. Teixeira asserts claims for violation of the Washington Law Against  
17 Discrimination, False Light Defamation, violations of the federal Family and Medical Leave Act  
18 and state Paid Family and Medical Leave Act, violation of the state Silenced No More Act, and  
19 declaratory relief regarding Mr. Teixeira's employment contract. Most of these claims are also  
20 against individual defendants Winifred Mitchell Baker, Laura Chambers, and Dani Chehak, who  
21 are alleged to be the decisionmakers for the alleged unlawful acts. Mr. Teixeira has also named as  
22 a defendant Mozilla Foundation, which wholly owns Mozilla Corporation.

23                   All defendants deny liability to Mr. Teixeira. Mr. Teixeira, who is still employed by  
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1 Mozilla Corporation, was not given the promotion that he thought he deserved because of  
2 performance issues and leadership deficiencies that arose before his cancer diagnosis. Defendants  
3 also deny that Ms. Mitchell was a “decisionmaker” with regards to Mr. Teixeira’s employment  
4 during the relevant time period.

5 Mozilla Foundation denies any liability, as it is not a joint employer with Mozilla  
6 Corporation and has no control or supervision over Mr. Teixeria’s employment with Mozilla  
7 Corporation and should not be a party to this lawsuit.

8 **2. Proposed Deadline For Joining Additional Parties**

9 September 30, 2024.

10 **3. Right to Magistrate Judge**

11 The parties do not consent to using a magistrate judge.

12 **4. Discovery Plan on All Items in Fed. R. Civ. P. 26(f)(3)**

13 (A) Initial Disclosures: The parties exchanged initial disclosures on August 8,  
14 2024 as required in the Order, Dkt. #9.

15 (B) Subjects, Timing, and Potential Phasing of Discovery: The parties intend to  
16 seek documents and information relevant to liability and damages, and at least one party intends  
17 to seek discovery into the following topics: Mozilla Corporation’s policies, procedures, and  
18 training, comparator employees, decision making regarding Mr. Teixeira’s employment status and  
19 records of the same, records regarding CEO succession at Mozilla Corporation, records regarding  
20 Mr. Teixeira’s job performance, records discussing Mr. Teixeira’s health condition.

21 Mozilla Corporation intends to seek discovery on the facts Mr. Teixeira alleges in his  
22 Complaint; Mr. Teixeira’s social media accounts; Mr. Teixeira’s health condition; damages,  
23 including Mr. Teixeira’s mitigation efforts and emotional distress allegations; and Mr. Teixeira’s

1 compensation.

2       The parties will work cooperatively to obtain written discovery and to schedule  
3 depositions, including remote or video depositions as appropriate. At this time, the parties do not  
4 anticipate that it will be necessary to phase discovery or make any other changes to the timing of  
5 discovery.

6           (C) Electronically Stored Information: The parties do not anticipate any unique  
7 issues regarding electronically stored information. The parties will preserve potentially  
8 discoverable information, including electronically stored information. The parties will work  
9 cooperatively to produce electronically stored information in an accessible form, consistent with  
10 the Model ESI protocols for the Western District. The parties agree that employing a search for  
11 ESI does not relieve the parties of duties to search for documents via traditional, direct means.

12           (D) Privilege Issues: Each party agrees to produce a privilege log if necessary.  
13 If information is redacted, the parties agree that the redacting party will provide an explanation for  
14 the redaction. The parties agree that attorney work product, privileged expert work product, and  
15 correspondence between attorney and client that has not been sent to or otherwise shared with third  
16 parties not covered by any privilege does not need to be identified on a privilege log.

17           (E) Proposed Limitations on Discovery: The parties do not presently anticipate  
18 the need for deviation from the Federal Rules of Civil Procedure and the Local Rules of the  
19 Western District of Washington.

20           (F) Discovery-Related Orders: The parties anticipate filing a stipulated motion  
21 for a protective order, following this Court's model stipulated protective order, to protect the  
22 confidentiality of certain medical information, financial records and proprietary business  
23 materials. At this time, the parties do not anticipate the need for any other discovery-related orders.

1       **5. The Parties' Views, Proposals, and Agreements on Items Set Forth in Local**  
2       **Civil Rule 26(f)(1)**

3           (A)    Prompt Case Resolution: Mozilla Corporation and Mr. Teixeira engaged in  
4       settlement discussions and an exchange of offers at the outset of the case, but were unable to reach  
5       resolution and have not engaged in formal ADR at this stage. All parties agree that discussion of  
6       case resolution generally is appropriate at all stages.

7           (B)    Alternative Dispute Resolution: All parties are willing to engage in  
8       alternative dispute resolution, but based on negotiations Plaintiff believes it is not ripe at this time.  
9       The parties agree to continue to discuss possible alternative dispute resolution in the future.

10          (C)    Related Cases: N/A.

11          (D)    Discovery Management: The parties do not currently anticipate any  
12       discovery management issues.

13          (E)    Anticipated discovery sought: See paragraph 4(B) above.

14          (F)    Phasing of Motions: The parties do not anticipate a need to phase motions.

15          (G)    Preservation of Discoverable Information: The parties will take reasonable  
16       steps to identify and will preserve relevant evidence, including electronically stored information.

17          (H)    Privilege Issues: See paragraph 4(D) above.

18          (I)    Model Protocol for Discovery of ESI: The parties agree to work  
19       cooperatively to draft an appropriate ESI order or to reach comparable agreements among them.

20          (J)    Alternatives to Model Protocol: See Paragraph 5(I).

21       **6. The Date by Which Discovery Can be Completed**

22       The parties anticipate discovery can be completed by April 1, 2025 (Plaintiff's proposal)  
23       or June 1, 2025 (Defendants' proposal). The parties further propose the following expert disclosure  
24       deadlines:

*Expert Disclosures Due:* January 12, 2025 (Plaintiff's proposal) or  
March 12, 2025 (Defendants' proposal)

*Rebuttal Expert Disclosures Due:* February 16, 2025 (Plaintiff's proposal) or  
April 16, 2025 (Defendants' proposal)

## 7. Whether the Case Should be Bifurcated

The parties do not request any bifurcation of the case at this time.

## 8. Pretrial Statements and Pretrial Order under LCR 16 And 16.1

The parties desire to utilize all the procedures in Local Civil Rule 16, including the pretrial statements and pretrial order.

## 9. Suggestions for Simplifying the Case

The parties do not have additional suggestions to simplify this case at this time.

**10. The Date the Case Will be Ready for Trial**

The parties anticipate the case will be ready on or after June 24, 2025 (Plaintiff's estimate) August 25, 2025 (Defendants' estimate).

## 11. Jury Or Non-Jury Trial

## Jury

## 12. Trial Days

Plaintiff estimates a 10 day trial. Defendants' estimate an 8 day trial.

### 13. Trial Counsel Contact Information

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15 **14. Trial Date Conflicts**

16 Plaintiff does not anticipate any conflicts if the Court sets trial on or after June 25, 2025.

17 Defendants do not anticipate any conflicts if the Court sets trial on or after August 25, 2025.

18 **15. Whether or not All Defendants Have Been Served**

19 The Defendants have been served.

20 **16. Whether Any Party Wishes A Scheduling Conference**

21 The parties do not request a scheduling conference at this time.

22 **17. Dates of Disclosure Statements**

1 Mozilla Corporation filed its corporate disclosure statement on July 12, 2024. Dkt. #4. Mozilla  
2 Foundation filed its corporate disclosure statement on July 26, 2024. Dkt. #12.

3 DATED this 15th day of August, 2024.

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